

medicated bitters capable of producing intoxication, to be drunk on the premises, shall not, either in person or knowingly by agent, employe or representative, during the year for which his or their license shall run, keep open the house or place where such liquors shall be sold under such license for the sale thereof or transact any such business therein after and from 7 o'clock p. m. on each week day until 6 o'clock a. m. of the next succeeding week day, and after and from 7 o'clock p. m. on Saturday of each week until 6 o'clock a. m. of the next succeeding week; and providing that as soon as this Act goes into effect, all retail liquor dealers' and retail malt dealers' licenses heretofore issued shall immediately cease and determine, and that the holders of such licenses shall have until thirty days after this Act takes effect in which to obtain licenses in accordance herewith, said licenses to be dated as of the date this act takes effect, and the tax collector shall give such licensee credit for the unearned portion of such canceled license, as of the date this Act takes effect; and providing that during said thirty days, said licensee shall have the right to pursue his business under and in accordance with the canceled license and the laws applicable to the same, which, for that purpose, are hereby kept in force for said thirty days, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Cofer, Ratliff, Townsend.

#### ENGROSSING DEPARTMENT.

Committee Room,  
Austin, Texas, Jan. 25, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed bills have carefully examined and compared:

Senate bill No. 83, A bill to be entitled "An Act to amend Section 60 and 128a, Chapter 11 of the laws of the special Session of 1905, entitled 'An Act to regulate elections and to provide penalties for its violation,' and to repeal the Acts of the Twenty-eighth Legislature, of 1903, regulating elections, general, special and primary, and political conven-

tions, approved April 1, 1903, so as to hereafter read as follows, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

#### TENTH DAY.

Senate Chamber,  
Austin, Texas,

Friday, January 27, 1911.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

#### REGULAR ORDER.

The Chair called the regular order of business.

(See appendix for Petitions and Memorials and Standing Committee reports.)

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Joint Resolution No. 2, "A Joint Resolution proposing an amendment to Article 16, Section 20, of the Constitution of the State of Texas, prohibiting the manufacture, sale,

storage, barter, exchange, and intrastate shipments within this State, except for medicinal, scientific, and sacramental purposes, of intoxicating liquors, fixing the time for the election, directing the proclamation therefor, and making an appropriation to defray the expenses of such election."

House bill No. 25, A bill to be entitled "An Act to create the Seventh Supreme Judicial District of the State of Texas, to provide for the appointment of judges thereof, for the transfer of certain cases on appeal or writ of error thereto, and to repeal all laws in conflict herewith."

House bill No. 19, A bill to be entitled "An Act to provide for the filing in the General Land Office of chains of transfer of title to portions of the sold public free school lands, University and asylum lands of this State, and the opening of accounts in the name of and patenting to the holders of such chains of transfer, such lands in cases where such transfers have been executed by the heirs, executors, administrators or survivors in community of deceased persons, or by the guardians of persons of unsound mind or minors, and in all cases where title has emanated through any regular court proceedings of this State, and in cases where such transfer has been executed by trustees under deeds of trust, mortgagees under mortgages with power of sale or by sheriff's or other officers of court, acting under executions and orders of sale issued out of the courts of this State, and declaring an emergency."

Respectfully,

BOB BARKER,  
Chief Clerk.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills and resolutions:

House Joint Resolution No. 2, referred to Committee on Constitutional Amendments.

House bill No. 25, referred to Committee on Judicial Districts.

House bill No. 19, referred to Committee on Public Lands and Land Offices.

#### BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 116, A bill to be entitled "An Act to amend Sections 13-S.

1 and 4 of an act of the Thirty-first Legislature, entitled "An Act to permit all villages, towns and cities having a population of less than ten thousand inhabitants, whether incorporated or unincorporated, to adopt the commission form of government, consisting of three commissioners, one of whom shall be mayor, to be elected at large from such village, town or city; to fix the duties and powers of same, term of office and compensation, and declaring an emergency," approved March 25, 1909, so that hereafter only villages, towns and cities of two hundred and less than ten thousand inhabitants shall be permitted to incorporate under this Act; to add Sections 10, 11 and 12; and to validate the incorporation of all such villages, towns and cities as have attempted to incorporate or have attempted to change from the aldermanic to the commission form of government as have been recognized as such villages, towns and cities, but have failed to comply with the law in such incorporation; to designate and fix certain methods and rules from which to reckon the assessment of property for taxes; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Ward and Cofer:

Senate bill No. 117, A bill to be entitled "An Act requiring the courts to take judicial notice of the fact that the qualified voters of any county, justice's precinct, town, city or other subdivision of a county that has by a majority vote determined within the prescribed limits of such county, justice's precinct, town, city or other subdivision of a county, but allowing the defendant to make an issue as to the existence of such law, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Johnson:

Senate bill No. 118, A bill to be entitled "An Act to amend Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, and as amended by Chapter 100 of the Acts of the Twenty-ninth Legislature, entitled 'An Act to provide for and regulate the granting of license to prac-

tice as an attorney and counselor at law in all the courts of the State of Texas, and to repeal all laws and parts of law in conflict herewith," as approved March 19th, 1903."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Warren:

Senate bill No. 119, A bill to be entitled "An Act in relation to pandering; to define and prohibit the same; to provide for the punishment thereof; to provide for the competency of certain evidence at the trial thereof; to provide what shall be a defense; providing penalties, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Warren:

Senate bill No. 120, A bill to be entitled "An Act prohibiting the promiscuous use of a common drinking cup, glass, or other vessel, for water drinking purposes on railway trains, in railway stations, in schools, churches, theaters or any other public place where people are accustomed to drink water, and also prohibiting any person, firm or corporation or their agents or employees in control or charge of or employed in connection with any railway train or station, any school or church or the premises adjacent to or connected with either thereof, or any other public place where people are accustomed to drink water, from furnishing or knowingly permitting to be furnished any common drinking cup, glass or other vessel for promiscuous use, and further requiring that a warning card-board be posted in a conspicuous place by the drinking fountain in the passenger cars of all railway trains in this State and in all railway stations cautioning against the dangers of drinking cups and commending the advisability of providing cups for individual use, and providing and fixing a penalty for violation of any provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Kauffman:

Senate bill No. 121, A bill to be entitled "An Act to grant and transfer to the United States government land belonging to the State of Texas, situated on Galveston Island, in Gal-

veston County, Texas, comprising what is known as the Fort San Jacinto Military Reservation, on which to locate, construct and maintain a military post and fortification, and to grant, cede and transfer to said United States government the tide lands in front of and all future accretions and accumulations to all said lands; and for the cession by the State of Texas to the United States government of jurisdiction over all such lands or the accretions thereto, or the accumulations thereof.

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Terrell of Wise:

Senate bill No. 122, A bill to be entitled "An Act to provide that in all cases where loss occurs to property insured by any fire, marine or inland insurance company and such company is liable therefor and fails to pay the same within the time specified in the policy, after demand is made therefor, such company shall be liable to the holder of such policy twelve (12) per cent damages on the amount of such loss, and reasonable attorneys' fees for the prosecution and collection of such loss, and providing an emergency."

Read first time and referred to Committee on Insurance and Statistics and History.

By Senator Terrell of Wise:

Senate bill No. 123, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Chapter 19 of the Acts of the Thirtieth Legislature of the State of Texas regulating bail in criminal cases and relating to procedure in prosecutions for felonies and misdemeanors, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Hudspeth:

Senate bill No. 124, A bill to be entitled "An Act creating the office of State Inspector of Masonry, fixing the term of said office, prescribing the qualifications and compensation of the incumbent thereof, and fixing and defining his duties." etc.

Read first time and referred to Committee on Labor.

By Senator Hudspeth:

Senate bill No. 125, A bill to be entitled "An Act to provide a remedy to citizens of this State in the courts of this State for personal injuries or deaths resulting from the wrongful act, default or negligence of another when such wrongful act, default or negligence of such other has been committed in a foreign State, Territory or country, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senators Townsend and Real:

Senate bill No. 126, A bill to be entitled "An Act to amend an Act of the Thirty-first Legislature, entitled 'An Act to create a Bureau of Labor Statistics, and to provide for the appointment of a Commissioner of said Bureau, and to fix the duties of the said Commissioner, and to provide for the organization and maintenance of the said Bureau and for the collection, preservation and dissemination of labor statistics in Texas, and declaring an emergency,' so as to provide for the appointment by the Commissioner of Labor Statistics of an Inspector of Safety Appliances, and also to provide for the appointment by such Commissioner of a Clerk and Factory Inspector, and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator Cofer:

Senate bill No. 127, A bill to be entitled "An Act to prohibit the sale or exposure for sale of cigarettes or cigarette papers or wrappers, fixing a penalty therefor, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Cofer:

Senate bill No. 128, A bill to be entitled "An Act to amend Article 3246, Title 63, of the Revised Statutes of 1895, relating to the sale of property levied upon by distress warrant and conforming the said provisions of the statutes governing the sale of personal property levied upon by attachment, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Watson:

Senate bill No. 129, A bill to be entitled, "An Act to amend Article 4542, Chapter 10, Title 94, Revised Statutes of Texas of 1895, relating to passenger fares upon railroads."

Read first time and referred to Committee on Internal Improvements.

By Senator Lattimore:

Senate bill No. 130, A bill to be entitled "An Act to amend Section 123 of Chapter 124 of the General Laws of Texas as enacted by the Regular Session of the Twenty-ninth Legislature, relating to making college and university diplomas have the force and effect of permanent State certificates, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Watson:

Senate bill No. 131, A bill to be entitled "An Act to amend Chapter 80, Special Laws passed by the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 15, 1907, and to amend Chapter 71 of the Special Laws passed by the Regular Session of the Thirty-first Legislature of the State of Texas, approved March 17, 1909, and to create a more efficient road law for Lee county, Texas, authorize and empower the said county to issue bonds or levy a tax for the construction of bridges and the construction and maintenance of public roads and highways in said county, and regulating the compensation of certain officers, providing for the working of convicts on county roads, relieving certain persons subject to road duty from such duty upon the payment of certain sums of money, providing for the number of days road hands are subject to duty and providing certain duties and powers of the commissioners court of said county, and fixing the compensation of the members of said court for said services, providing for the collection of poll taxes due the county by labor upon public roads, providing for the condemnation of lands and property for public road use, providing for certain drainage ditches, pits, etc., and providing for the creation of road precincts and changes therein, and for the appointment of road overseers, and providing for the working of said public roads and providing that the commis-

sioners shall be supervisors and inspectors of said roads and for their salary therefor, and providing for the prorating of all funds derived from road tax among the several commissioners precincts, and providing for the payment of officers costs in cases where county convicts are worked upon county roads, and authorizing and empowering commissioners court to contract with individuals for the construction and repair of bridges and culverts and for the purchase of all necessary teams, tools, and road machinery deemed necessary, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Watson:

Senate bill No. 132, A bill to be entitled, "An Act providing for the appointment of official stenographers for district and county courts by the judges thereof, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of making up and filing statements of facts and bills of exception in cases tried in such courts, and repealing Chapter 39 of the First Called Session of the Thirty-first Legislature of Texas, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Lattimore:

Senate Bill No. 133, A bill to be entitled "An Act to prohibit the desertion of a wife and children or wife, fixing a penalty therefor, and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judiciary No. 2.

By Senators Astin, Ward, Meachum and Willacy:

Senate bill No. 134, A bill to be entitled "An Act to amend Article 2967 of the Revised Civil Statutes of the State of Texas, as enacted in the year 1895, so as to make the separate property of the wife, the rents and revenues derived from property, whether real or personal, granted to the wife by will, deed or otherwise, with the provision that the rents and revenues derived therefrom shall be her separate property;

and to exempt the same from the management and control of the husband, and from debts contracted by him."

Read first time and referred to Judiciary Committee No. 1.

By Senator Collins:

Senate bill No. 135, A bill to be entitled "An Act to amend Article 725 of the Code of Criminal Procedure."

Read first time and referred to Judiciary Committee No. 2.

By Senator Collins:

Senate bill No. 136, A bill to be entitled "An Act for the relief of C. W. Howth, former County Attorney of Jefferson county, Texas."

Read first time and referred to Committee on Finance.

By Senator Collins:

Senate bill No. 137, A bill to be entitled "An Act creating a State Boiler Inspection Board, prescribing the powers and duties of its members, providing for the appointment of a State Chief Boiler Inspector and Subordinate Boiler Inspector, prescribing their power and duties and fixing the amount of bond required and the amount of salaries to be paid for services performed, and fixing penalties for non-performance of duties, providing certain duties for owners or operators of steam boilers, and fixing penalties for failure to perform same, providing for the exemption of steam boilers from inspection by government inspectors under certain conditions, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Watson:

Senate Joint Resolution No. 5, "To amend Section 3 of Article 7 of the Constitution of the State of Texas in regard to the taxing power of school districts, incorporated cities and towns and counties."

Read first time and referred to Committee on Constitutional Amendments.

By Senators Sturgeon and Murray:

Senate Concurrent Resolution No. 10. "When in the course of human events it becomes our pleasure and

privilege to witness the advancement of a nation climbing by leaps and bounds the hilltops of social and civil progress, it is but natural that we as Texans should express our pleasure in their achievements. As an unselfish people our ecstasy should be and is untarnished with the oxide of selfishness. Hence, in the almost unprecedented advancement of the people of the Republic of Mexico under the wise and constructive rule of that peerless statesman, Porfirio Diaz, we behold a people rapidly evolving a splendid civilization and democracy; therefore, be it

"Resolved, By the Senate of the State of Texas, the House concurring, That we congratulate the people of Mexico upon the splendid progress of her people, socially and politically, during the last quarter of a century, and we make and publish this our solemn declaration proclaiming to our people and to the world, that the government of Texas has no sympathy for, nor part in, the late so-called revolution of the Republic; be it further

"Resolved, That we appeal to all the citizens of Texas to refrain in any manner or encouraging by any method any revolt against the government of the Republic; and be it further

"Resolved, That the Governor of Texas transmit, or cause to be transmitted, to each of the Governors of the States of the Republic of Mexico, and also to His Excellency, Porfirio Diaz, the President of the Republic, a copy of this resolution."

Read first time and referred to Committee on Federal Relations.

#### SIMPLE RESOLUTION.

By Senator Terrell of Wise:

Whereas, Hon. Geo W. Savage, who was once an honored and able member of this Senate, is now in the city; therefore, be it

Resolved, That he be invited to address the Senate and that the privileges of the Senate be extended to him.

The resolution was read and adopted.

Morning call concluded.

#### SIMPLE RESOLUTION.

By Senators Hudspeth and Adams:

Resolved, By the Senate, That 200 copies additional each of the Journals of the first, second, and fifth days be printed for the benefit of the members.

The resolution was read and adopted.

#### SENATE BILL NO. 77.

On motion of Senator Weinert, the pending order of business (simple resolutions) was suspended, and the Senate took up, out of its order, Senate bill No. 77, by the following vote:

Yeas—28.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Terrell, McLennan.
Collins.	

The Chair laid before the Senate on second reading

Senate bill No. 77, A bill to be entitled "An Act granting to the city of New Braunfels, in addition to the powers now conferred by the General Laws now in force or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits a water works system, an electric light system, a power system and any other public utilities, together with the necessary plant or plants and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power, privilege and authority to dispose of or sell within its city limits and one mile beyond said limits water, electricity and power for any and

all purposes; granting to the city of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions in, at, on, over and across the Guadalupe river, at any point or points between the point where the Comal and the Guadalupe county line crosses the Guadalupe river, and up said river to a point twelve miles from said county line; granting to the city of New Braunfels the privilege and right of using all the land and water and riparian rights and all the rights of every character of the State of Texas, in, to and adjacent to said Guadalupe river between the points above mentioned, including especially such rights as its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon the city of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe river and its tributaries between the points above mentioned, and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river between the points above mentioned, and to back the water in said Guadalupe river and its tributaries between the points above mentioned to any height, but not in the Comal river above the north line of San Antonio street; granting to and conferring upon the city of New Braunfels in addition to the power of condemnation and of eminent domain by the General Laws now in force or which may hereafter be enacted, the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, waters, springs, rivers, dams, constructions, rights, franchises, material and any other property which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating a water works system, an electric light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants and incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions;

providing that the laws which are now in force or may hereafter be enacted, prescribing the rights of and procedure by railroad corporations and companies in condemnation therefor, shall apply to and govern the city of New Braunfels, in condemnation proceedings in acquiring lands, waters, springs, dams, constructions, rights, franchises, material and any other property, and making compensation therefor under the power herein granted said city, and declaring an emergency."

On motion of Senator Weinert, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Terrell, McLennan.
Collins.	

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bryan.	Mayfield.
Carter.	McNealus.
Cofer.	Meachum.
Greer.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.
Johnson.	Perkins.
Kauffman.	Ratliff.

Real.  
Sturgeon.  
Terrell, Wise.  
Townsend.  
Vaughan.

Ward.  
Warren.  
Watson.  
Weinert.  
Willacy.

Absent.

Adams.  
Collins.

Terrell, McLennan.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(President Pro Tem. Hudspeth in the chair.)

#### SENATE BILL NO. 74.

On motion of Senator Watson, the pending order of business (simple resolutions) was suspended, and the Senate took up, out of its order, Senate bill No. 74, by the following vote:

Yeas—25.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	

Nays—1.

Greer.

Present—Not Voting.

Vaughan.

Absent.

Adams.  
Collins.

Terrell, McLennan.  
Willacy.

The Chair laid before the Senate on second reading.

Senate bill No. 74, A bill to be entitled "An Act to provide for the eradication of sheep scab within the State, prohibiting the importation of scab-infected sheep, providing for a State inspector and county inspector of sheep, defining their duties, re-

pealing Title 61 of the Revised Statutes of Texas, and all laws and parts of laws in conflict herewith, making an appropriation to carry this Act into effect, prescribing penalties, and declaring an emergency."

Senator Real offered the following amendment, which was read and adopted:

Amend the bill on page 2, line 15, by striking out the word "one," and inserting in lieu thereof "six."

(Lieutenant Governor Davidson in the chair.)

#### RECESS.

On motion of Senator Lattimore, the Senate recessed until 3 o'clock today.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

Senator Cofer moved that the Senate recess until 3:30 o'clock today.

Senator Perkins moved, as a substitute, that the Senate adjourn until 10 o'clock Monday morning.

Action recurred on the longest time first and the motion to adjourn was lost by the following vote:

Yeas—9.

Adams.	Peeler.
Astin.	Perkins.
Hume.	Watson.
Murray.	Willacy.
Paulus.	

Nays—18.

Bryan.	Meachum.
Carter.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell of Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Absent.

Kauffman.  
Weinert.

#### PAIRED.

Senator Real (present), would vote "yea," with Senator Collins (absent), who would vote "nay."



Action then recurred on the motion to recess until 3:30 o'clock, which was adopted by the following vote:

## Yeas—20.

Bryan.	Paulus.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Johnson.	Terrell of Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Murray.	

## Nays—8.

Adams.	Peeler.
Astin.	Perkins.
Hume.	Watson.
Meachum.	Willacy.

## Absent.

Collins.	Weinert.
Kauffman.	

## AFTER RECESS.

At 3:30 o'clock the Senate was called to order by Lieutenant Governor Davidson.

## SENATE BILL NO. 74.

Action recurred on Senate bill No. 74, the pending business, the question being on engrossment of the bill.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding after Section 1.

Section 1a, which shall read as follows: "Section 1a. Scab in this Act is defined to be a disease, or itch caused from a bug or parasite, which works itself into the wool and flesh of sheep, causing crusted sore, injuring the wool and causing same to fall from the animal."

Senator Greer offered the following amendment:

Amend the bill, by striking out Sections 14, 15, 16 and 18 of the bill.

GREER,  
LATTIMORE,  
CARTER.

Senator Hudspeth moved to table the above amendment, which motion

to table prevailed by the following vote:

## Yeas—23.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Mayfield.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

## Nays—6.

Carter.	Lattimore.
Cofer.	Townsend.
Greer.	Vaughan.

## Absent.

Collins.	Weinert.
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Senator McNealus here asked unanimous consent to send up a committee report and there was objection.

Action then recurred on Senate bill No. 74, and Senator Mayfield offered the following amendment:

Amend Section 16, by adding after the word "act" in line 18, the following: "and upon request of any sheep owner in those counties having less than 2000 sheep, it shall be the duty of the State Inspector to perform those duties of county inspectors as defined in this Act."

MAYFIELD,  
MCNEALUS.

The above amendment was read and adopted.

Senator Mayfield offered the following amendment, which was read and adopted:

Amend the bill page 1, line 16, by adding after the word "sell" the following words "or buy."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend Section 7 of said bill by striking out all in line one of said section after the words "any person" down to and including the word "agent" next following and insert the following: "whether acting for himself or as agent for another person, firm or corporation who shall."

Senator Real offered the following

amendment, which was read and adopted:

Amend the bill on page 3, line 13, by striking out the words "five thousand" and inserting in lieu thereof "ten thousand."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend Section 8 of said bill by striking out all in line 1 of said section after the words "any person" and down to and including the word "that" next following and insert in lieu thereof the following "whether acting for himself or as agent or employee of any other person, firm or corporation who."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend on page 4, line 18, of said bill by inserting after the word "sheep" the following: By suit brought in the name of the county judge of said county in any court of said county having jurisdiction of the amount involved.

Senator Real offered the following amendment, which was read and adopted:

Amend the bill on page 3, line 16, by striking out everything in line 16 after the word "than" and inserting in lieu thereof "Ten thousand nor more than thirty thousand head of sheep."

Senator Real offered the following amendment, which was read and adopted:

Amend the bill on page 3, line 20, by striking out the words "Ten thousand" and insert in lieu thereof "Thirty thousand."

Senator Real offered the following amendment, which was read and adopted:

Amend the bill on page 3, line 23 and 24, by striking out the words "Sixty days" and inserting in lieu thereof "Three months."

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 15 the following:

Provided, the office of State Inspector shall expire at the end of two years.

MURRAY,  
STURGEON.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "Five thousand" in line 32 of page 5 of the printed bill and insert the words "Thirty-six thousand."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Collins. Weinert.

The bill was read third time and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgen.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Collins. Weinert.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Mayfield asked unanimous consent to offer a committee report, but there was objection.

# SENATE JOINT RESOLUTION NO. 2--MADE SPECIAL ORDER.

On motion of Senator Cofer, the pending order of business (simple resolutions) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 2, by the following vote:

## Yeas—29.

Adams.	Paulus.
Astin.	Feeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

## Absent.

Collins. Weinert.

The Chair laid before the Senate on second reading,

Senate Joint Resolution No. 2, A Joint Resolution proposing an amendment to Article 16, Section 20, of the Constitution of the State of Texas, prohibiting the manufacture, sale, storage, barter, exchange and intrastate shipment within this State, except for medicinal, scientific and sacramental purposes, of intoxicating liquors, fixing the time for the election, directing the proclamation thereof, and making an appropriation to defray the expenses of such election.

Senator Cofer moved that the above resolution be made a special order for Tuesday morning after the conclusion of the morning call.

The motion prevailed.

## BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 81, A bill to be entitled "An Act to grant a new charter to the city of Texarkana, Bowie county, Texas; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

House bill No. 92, A bill to be entitled "An Act to incorporate the city of Longview and to grant it a charter, to define its powers and to prescribe its duties and liabilities; and to declare an emergency."

## ADJOURNMENT.

Senator Perkins moved that the Senate adjourn until 10 o'clock Monday morning.

Senator Cofer moved that the Senate adjourn until 10 o'clock tomorrow morning.

Action being on the longest time first, the motion to adjourn until 10 o'clock Monday morning was lost by the following vote:

## Yeas—11.

Adams.	Paulus.
Astin.	Peeler.
Greer.	Terrell, McLennan.
Hudspeth.	Watson.
Hume.	Willacy.
Murray.	

## Nays—13.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Johnson.	Sturgeon.
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Meachum.	Warren.

## Absent.

Collins. Weinert.

Action then recurred on the motion of Senator Cofer, and

Senator Mayfield moved that the Senate recess until 8:30 o'clock tonight.

Senator Watson moved, as substitute, that the Senate adjourn until 9:45 o'clock Monday morning.

Action being on the longest time first, the motion to adjourn until Monday morning was lost by the following vote:

## Yeas—8.

Adams.	Peeler.
Astin.	Terrell, McLennan.
Hudspeth.	Watson.
Paulus.	Willacy.

## Nays—20.

Bryan.	Meachum.
Carter.	Murray.
Cofer.	Ratliff.
Greer.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

## Present—Not Voting.

Perkins.

## Absent.

Collins.

Weinert.

Action then recurred on the motion to adjourn until 10 o'clock tomorrow morning, and the same was adopted by the following vote:

## Yeas—20.

Adams.	Ratliff.
Astin.	Real.
Bryan.	Sturgeon.
Carter.	Terrell, McLennan.
Cofer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
McNealus.	Warren.
Paulus.	Willacy.

## Nays—9.

Greer.	Murray.
Hume.	Peeler.
Kauffman.	Perkins.
Mayfield.	Watson.
Meachum.	

## Absent.

Collins.

Weinert.

## APPENDIX A.

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

We, your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 36, A bill to be entitled "An Act to amend Section 24 of Article 642, Title 21, Chapter 2, of the Revised Statutes of the State of Texas, providing for the creation of corporations for the purchase and sale of goods, wares, merchandise and agricultural and farm products, so that said section shall also include creation of such corporations for the purpose of gathering and preparing such products for the market, and the purchase, sale and disposal of machinery, appliances and tools of use in connection therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate:

We, your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 109, A bill to be entitled "An Act abolishing what is known as 'The Rule in Shelly's Case,' and making a rule of evidence in certain cases so that the words 'heirs' or 'heirs of the body' shall be construed as words of purchase, and not as words of limitation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate:

We, your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 85, A bill to be entitled "An Act authorizing ice companies to buy, sell and refrigerate poultry and poultry products, and buy, sell, can and refrigerate fruits, produce, fresh meats and dairy products, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

We, your Committee on Judiciary  
No. 1, to whom was referred

Senate bill No. 52, A bill to be  
entitled "An Act to amend Article  
5232b, Title 104 of the Revised  
Civil Statutes of the State of Texas  
of 1895, as amended by Section 2,  
Chapter 103, of the General Laws  
of the State of Texas, passed by the  
Twenty-fifth Legislaturc, relating to  
the collection of taxes heretofore  
and that may hereafter be levied,  
making such taxes a lien on the  
lands taxed; establishing and con-  
tinuing such lien; and providing for  
the sale and conveyance of land de-  
linquent for taxes since January 1,  
1901, which may have been returned  
delinquent or reported sold to the  
State or to any county, city or town,"

Have had the same under consid-  
eration, and I am instructed to report it  
back to the Senate with the recom-  
mendation that it do pass.

WARD, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

We, a majority of your Commit-  
tee on Judiciary No. 1, to whom was  
referred

Senate bill No. 115, A bill to be  
entitled "An Act to amend Article  
2302, Chapter 4, Title XL, Re-  
vised Statutes of Texas, 1895, so as  
to include devisees or legatees  
among the class of persons prohib-  
ited from testifying in actions by or  
against executors, administrators or  
guardians in which judgment may be  
rendered for or against them as  
such, and declaring an emergency,"

Have had the same under consid-  
eration, and beg to report it back to  
the Senate with the recommendation  
that it do pass.

WARD, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

We, a minority of your Com-  
mittee on Judiciary No. 1, to whom  
was referred

Senate bill No. 115, A bill to be  
entitled "An Act to amend Article  
2302, Chapter 4, Title XL, Re-  
vised Statutes of Texas, 1895, so  
as to include devisees or legatees  
among the class of persons prohib-  
ited from testifying in actions by or  
against executors, administrators or  
guardians in which judgment may be  
rendered for or against them as  
such, and declaring an emergency,"

Have had the same under consid-  
eration, and beg to report it back to  
the Senate with the recommendation  
that it do not pass.

LATTIMORE.

(Majority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

We, a majority of your Com-  
mittee on Judiciary No. 1, to whom  
was referred

Senate bill No. 105, A bill to be  
entitled "An Act to amend the Revised  
Civil Statutes of the State of Texas,  
adopted at the regular session of the  
Twenty-fourth Legislature, so as to  
add thereto Article 1182a, requir-  
ing the general denial filed by a de-  
fendant to be verified by his affda-  
vit,"

Have had the same under consid-  
eration and beg to report it back to  
the Senate with the recommendation  
that it do pass.

WARD, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

We, a minority of your Committee  
on Judiciary No. 1, to whom was re-  
ferred

Senate bill No. 105, A bill to be  
entitled "An Act to amend the Re-  
vised Civil Statutes of the State of  
Texas, adopted at the regular ses-  
sion of the Twenty-fourth Legisla-  
ture, so as to add thereto Article  
1182a, requiring the general de-  
nial filed by a defendant to be ver-  
ified by his affidavit,"

Have had the same under consid-  
eration, and beg to report it back to  
the Senate with the recommendation  
that it do not pass.

Astin, Hume, Meachum, Peeler.

## (Majority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

We, a majority of your Committee  
on Judiciary No. 1, to whom was referred

Senate bill No. 106, A bill to be  
entitled "An Act to amend the  
Revised Civil Statutes of the State of  
Texas, adopted at the regular session  
of the Twenty-fourth Legislature, so  
as to add thereto Article 1183a,  
providing that the pleadings of the  
parties shall be verified by their af-  
fidavits,"

Have had the same under consid-  
eration and beg to report it back to  
the Senate with the recommendation  
that it do pass.

WARD, Chairman.

## (Minority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

We, a minority of your Committee  
on Judiciary No. 1, to whom was referred

Senate bill No. 106, A bill to be  
entitled "An Act to amend the  
Revised Civil Statutes of the State of  
Texas, adopted at the regular session  
of the Twenty-fourth Legislature, so  
as to add thereto Article 1183a  
providing that the pleadings of the  
parties shall be verified by their af-  
fidavits,"

Have had same under considera-  
tion, and beg to report it back to the  
Senate with the recommendation  
that it do not pass.

Astin, Hume, Meachum, Peeler.

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate:

Your Committee on Judiciary  
No. 1, to whom was referred

Senate bill No. 114, A bill to be en-  
titled "An Act to allow a suit for rent  
to be joined with an action of forcible  
entry and detainer wherever the  
amount is within the jurisdiction of  
the justice court, and declaring an  
emergency,"

Have had the same under consid-  
eration, and I am instructed to re-

port it back to the Senate with the  
recommendation that it do pass.

WARD, Chairman.

## (Majority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of the  
Senate.

We, a majority of your Committee on  
Judiciary, No. 1, to whom was referred

Senate bill No. 103, A bill to be en-  
titled "An Act to amend the Revised  
Civil Statutes of the State of Texas,  
adopted at the Regular Session of the  
Twenty-fourth Legislature, so as to  
add thereto Article 1183b, providing  
that allegations of fact in the plead-  
ings of a party to any suit in the dis-  
trict or county court, shall be taken  
as confessed as to any adverse party  
who fails to file in reply an affidavit  
denying the truth of such allegation,  
and prescribing the form of such af-  
fidavit."

Have had same under consideration,  
and beg to report it back to the Sen-  
ate with the recommendation that it  
do pass.

WARD, Chairman.

## (Minority Report.)

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of the  
Senate.

We, a minority of your Committee on  
Judiciary No. 1, to whom was referred

Senate bill No. 103, A bill to be en-  
titled "An Act to amend the Revised  
Civil Statutes of the State of Texas,  
adopted at the Regular Session of the  
Twenty-fourth Legislature, so as to  
add thereto Article 1183b, providing  
that allegations of fact in the plead-  
ings of a party to any suit in the dis-  
trict or county court, shall be taken  
as confessed as to any adverse party  
who fails to file in reply an affidavit  
denying the truth of such allegation  
and prescribing the form of such af-  
fidavit."

Have had same under consideration,  
and beg to report it back to the Sen-  
ate with the recommendation that it  
do not pass.

Astin, Hume, Meachum, Peeler.

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of the  
Senate.

Your Committee on Judiciary No. 1,  
to whom was referred

Senate bill No. 51, A bill to be entitled "An Act to amend Article 1552 of the Revised Civil Statutes of the State of Texas, relating to the time of holding the regular terms of commissions courts, so as to authorize said courts to meet once each month, and providing an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WARD, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Jan. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Jan. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 13, A bill to be entitled, "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate, with the recommendation that it do not pass.

Watson, Murray, Hudspeth, Meachum.

Committee Room,  
Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 12, A bill to be entitled "An Act to provide for the suspension of sentence in certain cases of conviction of felony, for first offenses, upon recommendation of the jury, and for the submission of the issue to the jury by the court; to provide the duration of suspension of sentence after suspension thereof in cases of final conviction of the defendant of any other felony and for cumulating punishment in such cases, and providing an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act to amend Chapter 17 of the Acts of the Thirty-first Legislature, page 293, approved April 17, 1909, and amending Section 9, page 296, to said Act so as to require the applicants for a retail liquor dealers license to make application on oath to Comptroller of Public Accounts of this State, embracing in said application and statement that the applicant or applicants have not contributed any money or other valuable thing, directly, or indirectly, to any campaign fund in any election, and to amend Section 15, page 304, of said Act so as to prescribe the condition of the bond to be given in order to sell spirituous, vinous or malt liquors, or medicated bitters, prescribing conditions of said bonds and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate Concurrent Resolution No. 9, "Relating to the practice of polygamy and polygamous cohabitation and contemplating an amendment to the Constitution of the United States forbidding such practice."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 60, A bill to be entitled "An Act to prohibit either hunting or fishing on Sunday within the State of Texas."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WATSON, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 60, A bill to be entitled "An Act to prohibit either hunting or fishing on Sunday within the State of Texas."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Cofer, Ratliff.

(Majority Report.)

Committee Room,

Austin, Texas, Jan. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to amend Section 14 of Chapter 17 of the Acts of the Regular Session of the Thirty-first Legislature, the same being an act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate

the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold, imposing an occupation tax upon persons, firms, corporations, and associations of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof, exempting wine growers who sell wine of their own production, from the provisions of this Act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating the business of such wine growers, regulating the transfer of license of retail liquor dealers and retail malt dealers, prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of license issued, defining intoxicating liquors, and providing penalties for the violation of the provisions of this Act and declaring an emergency, and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a, and 35a prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the County Judge, Comptroller of Public Accounts, and requiring licenses to be issued under this act and prescribing the continuation in force of licenses issued under prior laws of sixty days after this act takes effect in order to find time for securing licenses under this act and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency," by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become



engaged in the sale of intoxicating liquors in any locality in this State other than where local option is in force, to keep such places of business closed from and after six o'clock p. m. until seven o'clock a. m. of the next day and to keep such places closed from six o'clock p. m. on Saturday until seven o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquor, the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Jan. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to amend Section 14 of Chapter 17 of the Acts of the Regular Session of the Thirty-first Legislature, the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature approved April 18, 1907, the same being An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold, imposing an occupation tax upon persons, firms, corporations and associations of persons selling spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other person to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof, exempting wine growers who sell wine of their own production from the provisions of this Act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating the

business of wine growers, regulating the transfer of license of retail liquor dealers and retail malt dealers, prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other person may be issued; providing for the refund of any unearned portion of any license, requiring the County Clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of license issued, defining intoxicating liquors, and providing penalties for the violation of the provisions of this Act, and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited and prescribing the manner for the ascertainment of the acts upon which forfeiture is based, and prescribing the duties of County Judge, Comptroller of Public Accounts and the County Attorney and other parts of laws in conflict herewith, and requiring licenses to be issued under this Act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes effect in order to find time for securing licenses under this Act and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,' by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors, or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is in force, to keep such places of business closed from and after six o'clock p. m. until seven o'clock a. m. of the next day and to keep such places closed from six o'clock on Saturday until seven o'clock a. m. on the following Monday of each week, and forbidding any sale of any intoxicating liquor or the transaction of any business in such places within said hour and prescribing penalties therefor and declaring an emergency."

Have had the same under consideration, and beg leave to report same

back to the Senate, with the recommendation that it do not pass.

Watson, Murray, Hudspeth.

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred Senate bill No. 101, A bill to be entitled "An Act providing for the establishment, maintenance, control and management of District Agricultural High Schools, prescribing courses of study to be taught therein, designating who are entitled to attend such District Agricultural High Schools, and making appropriation to carry out the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred Senate bill No. 112, A bill to be entitled "An Act to provide for the establishment of the teaching of cotton grading in the State Normal Schools, County Institutes and all other Industrial Institutes that may hereafter be established and providing rules and regulations governing the same."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,

Austin, Texas, Jan. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 90, A bill to be entitled "An Act to provide for the taxation of any leasehold held for mineral purposes, but not being used for such purposes."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 71, A bill to be entitled "An Act regulating the sale of commercial fertilizers, prohibiting their adulteration or misbranding, providing for their correct weighing and marking, forbidding the use of certain materials, and providing for their collection and analysis of samples, statements of sales and shipments, the expenses of the enforcement of the law, fixing penalties for its violation, and repealing Chapter 48, Acts of 1899, and all other laws in conflict with this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

REAL, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Labor, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act to regulate the payment of wages to employes in certain employments within the State of Texas."

With these following amendments:

Amend by striking out after word "shall" in the ninth line in Section 1 to and including the payment in line 12 and inserting in lieu thereof as follows: On the 1st and 16th of each and every month pay either in money or by check or draft of equal value payable on demand to every employe or his agent or assignee, authorized to collect the same, engaged in his or its business, all wages earned by such employe up to a day not more than sixteen days prior to the date of such payment."

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do not pass.

Kauffman, Hume.

(Majority Report.)

Committee Room,  
Austin, Texas, Jan. 27, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: We, a majority of your Committee on Labor, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act to regulate the payment of wages to employes in certain employments within the State of Texas."

With these following amendments:

Amend by striking out after the word "shall" in the ninth line in Section 1 to and including the payment in line 12 and inserting in lieu thereof as follows: On the 1st and 16th of each and every month pay either in money or by check or draft of equal value payable on demand to every employe or his agent or assignee, authorized to collect the same, engaged in his or its business all wages earned by such employe up to a day not more than sixteen days prior to the date of such payment."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

MAYFIELD, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: Your Committee on Labor, to whom was referred

Senate Concurrent Resolution No. 5, "Providing for the creation of a Commission to investigate and report to the Legislature of this State during its present session a bill to fairly compensate employes for injuries received in the course of employment, and defining the duties of said Commission, making an appropriation to carry same into effect, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

MAYFIELD, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Jan. 27, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: We, a majority of your Com-

mittee on Labor, to whom was referred

Senate bill No. 46, A bill to be entitled "An Act providing that the owners, lessees, operators or receivers of all cotton gins in this State shall write or stamp with indelible ink upon each and every bale of cotton ginned the word "tare," and the weight of the bagging and ties in which the cotton is wrapped written or stamped in indelible ink in plain figures, defining separate offenses, and providing penalties, declaring it unlawful for any person, firm, corporation, cotton exchange or board of trade to make greater deductions for tare either from the gross weight of any bale of cotton or the price of same than is shown by the figures written or stamped thereon, defining separate offenses, providing penalties and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

MAYFIELD, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Jan. 27, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: We, a minority of your Committee on Labor, to whom was referred

Senate bill No. 46, A bill to be entitled "An Act providing that the owner, lessees, operators or receivers of all cotton gins in this State shall write or stamp with indelible ink upon each and every bale of cotton ginned the word "tare," and the weight of the bagging and ties in which the cotton is wrapped written or stamped in indelible ink in plain figures, defining separate offenses, and providing penalties, declaring it unlawful for any person, firm, corporation, cotton exchange or board of trade to make greater reductions for tare either from the gross weight of any bale of cotton or the price of same than is shown by the figures written or stamped thereon, defining separate offenses, providing penalties and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass.

Kauffman, Hume.

Committee Room,  
Austin, Texas, Jan. 25, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: Your Committee on Public  
Health, to whom was referred

Senate bill No. 75, A bill to be en-  
titled "An Act to define and regulate  
the practice of Optometry, to create a  
Board of Examiners in Optometry  
for the examining and licensing of  
optometrists, and to issue the cer-  
tificates, as provided, to prescribe the  
qualifications of applicants for li-  
cense in optometry, to provide for  
the registration of optometrists, and  
to provide for the revocation of their  
license, and to require them to dis-  
play license or certificate, and to de-  
liver to each customer a bill of pur-  
chase or sale, and specification of the  
lenses furnished and the price  
charged for same when lenses are  
adapted or adjusted away and out-  
side of the principal office of such  
optometrist, exempting physicians  
duly licensed and registered under  
the laws of the State of Texas from  
the operation of this Act; to fix sui-  
table penalties for the violation of  
this Act, and repealing all laws and  
parts of laws in conflict herewith."

Have had the same under consid-  
eration, and I am instructed to re-  
port same back to the Senate with  
the recommendation that it do pass.

PEELER, Chairman.

Committee Room,  
Austin, Texas, Jan. 25, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: Your Committee on Privi-  
leges and Elections, to whom was re-  
ferred

Senate bill No. 81, A bill to be en-  
titled "An Act providing for the ap-  
pointment of additional judges,  
clerks and supervisors for elections  
at which a constitutional amendment  
or any question or proposition is  
voted upon; and providing that the  
vote of any county, city or other po-  
litical subdivision or voting pre-  
cinct of the county, wherein this Act  
is not compiled with, shall not be  
counted as to or in the determina-  
tion of the adoption or rejection of  
such constitutional amendment,  
question or proposition, and declar-  
ing an emergency."

Have had the same under consid-  
eration, and I am instructed to report

same back to the Senate with the rec-  
ommendation that it do pass.

WARREN, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1911.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Committee on Judicial  
Districts, to whom was referred

Senate bill No. 26, A bill to be en-  
titled "An Act to provide additional  
compensation to all Judges of the Dis-  
trict Courts, District Attorneys of the  
State of Texas, and to the Judge of  
the Criminal District Court of Harris  
and Galveston counties, by allowing  
compensation for actual and neces-  
sary expenses when engaged in the  
discharge of their official duties in  
counties other than the county of  
their residence, and declaring an  
emergency."

Have had the same under consid-  
eration, and I am instructed to report  
same back to the Senate with the  
recommendation that it do pass.

WATSON, Chairman.

Committee Room,  
Austin, Texas, Jan. 25, 1911.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: We, your Committee on In-  
ternal Improvements, to whom was  
referred

Senate bill No. 89, A bill to be  
entitled "An Act to fix and declare  
the right of contract in certain cases,  
and to regulate the making of con-  
tracts between publishers of newspa-  
pers, periodicals and other publica-  
tions regularly issued, and railroad,  
interurban, and other transportation  
companies,"

Have had the same under consid-  
eration, and I am instructed to report  
it back to the Senate with the recom-  
mendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,  
Austin, Texas, Jan. 25, 1911.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: We, your Committee on Inter-  
nal Improvements, to whom was re-  
ferred

Senate bill No. 31, A bill to be  
entitled "An Act for the relief of  
railway corporations having charters  
granted or amended since the first  
day of January, 1900, and which have  
failed, or are about to fail to con-

struct their roads and branches, or any part thereof, within the time required by law, with emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be substituted for Senate bill No. 29, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1909, and which have failed, or are about to fail to construct their roads and branches or any part thereof, within the time required by law, and declaring an emergency," and that it do pass.

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir We, your Committee on Internal Improvements, to whom was referred

Senate bill No. 29, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1909, or are about to fail, to construct their roads and branches, or any part thereof within the time required by law, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that Senate bill No. 31, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1900, and which have failed, or are about to fail to construct their roads and branches, or any part thereof, within the time required by law, with emergency," be substituted and that it do pass.

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred Senate bills Nos. 10 and 86, beg leave to report same back to the Senate with the recommendation that they do not pass, but that the following committee substitute pass in lieu thereof, to wit:

Committee substitute for Senate bills Nos. 10 and 86, "An Act to amend Article 21, Title 4, of the Revised Civil Statutes of Texas, and to amend an Act passed by the Thirtieth Legislature creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas, and to provide for the organization of a Court of Civil Appeals within the Seventh Supreme Judicial District, and to provide for the organization of a Court of Civil Appeals within the Eighth Supreme Judicial District of Texas, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 21 of the Revised Civil Statutes of Texas, and also an Act passed by the Thirtieth Legislature, creating the Sixth Supreme Judicial District of Texas, be and the same are hereby amended so as to read as follows:

Article 21. The State of Texas shall be and is hereby divided into eight Supreme Judicial Districts for the purpose of constituting and organizing courts of civil appeals therein respectively.

1. The following counties shall compose the First Supreme Judicial District: Newton, Jasper, Orange, Jefferson, Hardin, Tyler, Polk, Trinity, Houston, Madison, Walker, San Jacinto, Liberty, Chambers, Harris, Montgomery, Grimes, Washington, Waller, Fort Bend, Brazoria, Matagorda, Wharton, Colorado, Austin, Fayette, Lavaca, Jackson, Sabine, San Augustine, Angelina, Anderson, Brazos, Leon, Burleson, DeWitt, Galveston and Nacogdoches.

2. The following counties shall compose the Second Supreme Judicial District: Wichita, Cooke, Montague, Clay, Archer, Baylor, Knox, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Tarrant, Parker, Palo Pinto, Stephens, Shackelford, Jones, Mitchell, Nolan, Taylor, Callahan, Bosque, Eastland, Erath, Hood, Somervell, Comanche and Johnson.

3. The following counties shall compose the Third Supreme Judicial District: Runnels, Coleman, Brown, Mills, Hamilton, Coryell, Bell, Lampasas, San Saba, McCulloch, Concho, Llano, Burnet, Williamson, Milam, Lee, Bastrop, Travis, Blanco, Hays, Comal, Caldwell, Robertson, McLennan.

nan, Falls, Sterling, Coke, Tom Green and Irion.

4. The following counties shall compose the Fourth Supreme Judicial District: Val Verde, Schleicher, Sutton, Edwards, Kinney, Maverick, Menard, Kimball, Kerr, Bandera, Uvalde, Zavalla, Dimmitt, Webb, LaSalle, Frio, Medina, Duval, McMullen, Atascosa, Bexar, Kendall, Gillespie, Mason, Guadalupe, Wilson, Live Oak, Zapata, Bee, Gonzales, Karnes, Calhoun, Victoria, Goliad, Refugio, San Patricio, Aransas, Nueces, Hidalgo, Cameron and Starr.

5. The following counties shall compose the Fifth Supreme Judicial District: Grayson, Collin, Dallas, Rockwall, Ellis, Navarro, Kaufman, Henderson, Van Zandt, Raines, Hunt, Hill, Limestone, Freestone, Wood and Delta.

6. The following counties shall compose the Sixth Supreme Judicial District: Lamar, Red River, Bowie, Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Fannin, Cherokee, Rusk, Gregg, Harrison, Panola, Smith, Upshur and Shelby.

7. The following counties shall compose the Seventh Supreme Judicial District: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Ford, Hardeman, Wilbarger, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Kent, Fisher and Scurry.

8. The following counties shall compose the Eighth Supreme Judicial District: Gaines, Dawson, Borden, Andrews, Martin, Howard, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Crockett, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso and Ector.

Sec. 2. Within thirty days after the passage of this Act the Governor shall by and with the consent of the Senate, if in session, appoint one Chief Justice and two Associate Justices for the Seventh Judicial District, and one Chief Justice and two Associate Justices for the Eighth Supreme Judicial District, who shall each reside in the territorial limits of their respective supreme judicial districts, and who shall possess the qualifications now required by law, who shall constitute the Court of Civil Appeals within and for the

Seventh Supreme Judicial District, and the Eighth Supreme Judicial District, respectively; and who shall hold their offices until the next general election in 1912; and shall thereafter be elected and qualify as provided and required by Article 988 of the Revised Statutes of Texas.

Sec. 3. The Court of Civil Appeals for the Seventh Supreme Judicial District shall hold its sessions in the city of Amarillo, in the county of Potter, and its term shall commence in the first Monday in October of each year, and shall continue in session until the first Monday in July of each succeeding year; provided, however, said court may commence its first session immediately upon the appointment and qualification of the judges thereof, and the organization of the court, and provided further that if the said court is located at Amarillo, the citizens thereof will furnish, provide and equip suitable room or rooms for said court and the members thereof, and the necessary law libraries therefor, without cost or expense to the State.

Sec. 4. The Court of Civil Appeals for the Eighth Supreme Judicial District shall hold its sessions in the city of El Paso, in the county of El Paso, and its terms shall commence on the first Monday in October of each year, and shall continue in session until the first Monday in July of each succeeding year; provided, however, said court may commence its first session immediately upon the appointment and qualification of the judges thereof, and the organization of the court, and provided further that if said court is located at El Paso the citizens thereof will furnish, provide and equip suitable room or rooms for said court and the members thereof and the necessary law libraries therefor, without cost or expense to the State.

Sec. 5. The fact that there exists a great and constantly increasing accumulation of cases in the six courts of civil appeals now existing, there being pending in said courts when the adjournment took place in July, 1910, nine hundred and eighteen cases undisposed of, and the further fact that it is practically impossible for said courts to dispose of the business on their dockets with reasonable dispatch, constitutes an emergency, rendering it proper and necessary that the constitutional rule requiring bills to be read on three

several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed; and it is so enacted.

HUDSPETH, Chairman.

Committee Room,  
Austin, Texas, Jan. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 17, A bill to be entitled "An Act to create a more efficient road system for Nolan county, Texas, and making county commissioners ex-officio road commissioners of their respective precincts, and prescribing their powers and duties as such and providing for the compensation of such road commissioners, and providing for the purchase of material for the construction and maintenance of roads and bridges, and providing for the compensation of such material, and prescribing certain duties for road overseers; providing a compensation of \$2 per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurers; providing that any person liable for road duty any year shall be exempt upon the payment of \$3 into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing that this Act is cumulative of the general laws, and fixing penalties and declaring an emergency."

Have considered same, and recommended that same do pass.

Greer, Chairman; Perkins, Paulus, Kauffman, Johnson, Ratliff, Weinert.

Committee Room,  
Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared.

Senate bill No. 64, A bill to be entitled "An Act authorizing the city of Bryan to sell and convey certain public grounds within said city, and declaring an emergency," and find the same correctly engrossed.

COFER, Chairman.

Committee Room,  
Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 96, A bill to be entitled "An Act making an appropriation to pay for repairs contracted for by the Board of Managers of the North Texas Hospital for the Insane, and declaring an emergency," and find the same correctly engrossed.

COFER, Chairman.

Committee Room,  
Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 77, A bill to be entitled "An Act granting to the city of New Braunfels, in addition to the powers now conferred by the General Law now in force or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits a water works system, an electric light system, a power system and any other public utilities, together with the necessary plant or plants and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power, privilege and authority to dispose of or sell within its city limits water, electricity and power for any and all purposes; granting to the city of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions in, at, on, over and across the Guadalupe river at any point or points between the point where the Comal and the Guadalupe county line crosses the Guadalupe river, and up said river to a point twelve miles from said county line; granting to the city of New Braunfels the privilege and right of using all the land and water and riparian rights and all the rights of every character of the State of Texas, in, to and adjacent to said Guadalupe river between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon the city of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe river and its

tributaries between the points above mentioned, and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river between the points above mentioned, and to back the water in said Guadalupe river and its tributaries between the points above mentioned to any height, but not in the Comal river above the north line of San Antonio street; granting to and conferring upon the city of New Braunfels in addition to the power of condemnation and of eminent domain by the General Laws now in force or which may hereafter be enacted, the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, waters, springs, rivers, dams, constructions, rights, franchises, material and any other property which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating a water works system, an electric light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants and industrial buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions; providing that the laws which are now in force or may hereafter be enacted, prescribing the rights of and procedure by railroad corporations and companies in condemnation therefor, shall apply to and govern the city of New Braunfels, in condemnation proceedings in acquiring lands, waters, springs, dams, constructions, rights, franchises, material and any other property, and making compensation therefor under the power herein granted said city, and declaring an emergency," and find the same correctly engrossed.

COFER, Chairman.

(Floor Report.)

(By unanimous consent.)

Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 66, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Gaines county, situated in the town of Seminole, in Gaines county, heretofore made at private sale for and in behalf of said county, by J. W. Miller in his representative capacity as Commissioner,

under appointment of the Commissioners' Court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said estate made by said Commissioner as such, in consummating such sales, and declaring an emergency."

Beg leave to report that same has been considered, and recommend that this bill do pass, and be not printed.

Murray, Chairman; Hudspeth, Johnson, Cofer, Greer, Ward, Astin, McNealus, Carter.

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 4, A resolution providing: "That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a Convention to propose an amendment to Section 3, of Article 1, of the Constitution of the United States, so that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be and the same is hereby adopted,"

Have had the same under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

JOHNSON, Chairman.

## APPENDIX B.

### PETITIONS AND MEMORIALS.

By Senator Adams:

Petition numerous signed by citizens of Erath county, requesting the Legislature to enact and pass a bill during the present assembly submitting to the voters of the State of Texas, the proposition that the poll tax qualifications, for the right of suffrage shall be repealed, and further pray, that such enactment be made that the qualified voters of the State of Texas, be permitted to vote on such proposition at as early date as practicable.

By Senator Weinert:

Petition numerous signed by citizens of his district asking support



of the measure as Texas Itinerant Drug Vendors' "Bill."

By Senator Greer:

Petition numerously signed by citizens of his district asking the Legislature to amend Chapter 8 of the General Laws of the Third Called Session of the Thirty-first Legislature, relating to insurance by striking out the proviso in Section 18 and adding Section 18a, 18b, 18c, 18d, and 18e, and providing certain conditions and limitations on insurance contracts or policies.

By Senator Astin, (by request.)

Petition numerously signed by citizens of his district asking the Legislature to change the laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

By Senator Paulus:

Petitions numerously signed by merchants and citizens of Eagle Lake, Colorado county, Texas, asking assistance in securing the passage of the following bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so-called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specifically defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Johnson:

Petition numerously signed by citizens of his district, asking the Legislature to repeal the law requiring the men who sell family and veterinary medicines and other products from wagons to pay the large license.

By Senator Terrell of McLennan:

Petition from ladies of Mart, McLennan county, Texas, asking support of a resolution prohibiting polygamy and polygamist practices.

By Senator Cofer:

Letter from Wesley Peacock of

the Peacock Military College, San Antonio, congratulating him upon the introduction of his cigarette bill in the Senate.

By Senator Carter:

Petition numerously signed by merchants and citizens of Gregg county, Texas, asking assistance in passing the following bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so-called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specifically defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

Petition numerously signed by citizens of his district asking the Legislature to repeal the law requiring sellers of family and veterinary medicines and other products from wagons to pay the large license.

By Senator Johnson:

By Senator Warren:

Petition numerously signed by citizens of his district asking regulation of the Sunday observance laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

By Senator Lattimore:

Petition numerously signed by citizens of his district urging that the following amendment be added to the anti-pass law of Texas:

Beginning after the words "Sisters of Charity," appearing on page 98, line 49, of the Acts of the Thirtieth Legislature, and adding thereto the following provision to wit: "And superintendents, managers, and helpers of all chartered institutions having under their care orphan and dependent children, also the caretakers of said orphan and dependent children while en route to and from said institutions."

By Senator Terrell of Wise:

Petition unanimously signed by citizens of Pilot Point, Texas, asking support of a bill providing for the establishment in connection with the public high schools, of departments of agri-

culture, manual training and domestic economy.

By Senator Lattimore:

Petition numerously signed by members of the Fort Worth District Missionary Institute of the Methodist church requesting that the words "sacramental purposes" be stricken from the bill forbidding the sale of intoxicating liquor.

By Senator Peeler:

Petition numerously signed by members of the Order of the Sons of Hermann asking the Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Peeler:

Petition numerously signed by citizens of his district asking the Legislature to change the present law so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

#### ELEVENTH DAY.

Senate Chamber,  
Austin, Texas.

Saturday, January 28, 1911.

Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Collins. Weinert.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Peeler the same was dispensed with.

#### SIMPLE RESOLUTION.

By Senator Watson:

"Whereas, the views of Senator Joseph W. Bailey on national and State issues are always entertaining and serviceable to the people of Texas; and,

"Whereas, we endorse his views as expressed in his speeches and vote in Congress on national tariff; now therefore be it

"Resolved, That Senator Bailey be cordially invited to address the Senate of Texas at such time in the month of February as may suit his convenience, and the Secretary of the Senate is hereby instructed to wire a copy of this resolution to Senator Bailey at Washington, D. C."

WATSON,  
HUDSPETH,  
ADAMS.

The resolution was read and adopted by the following vote:

Yeas—20.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Perkins.
Cofer.	Real.
Hudspeth.	Sturgeon.
Johnson.	Terrell, McLennan
Kauffman.	Terrell, Wise.
Lattimore.	Ward.
McNealus.	Watson.
Meachum.	Willacy.

Nays—2.

Mayfield. Vaughan.

Present—Not Voting.

Carter. Townsend.  
Peeler. Warren.

Absent.

Collins. Ratliff.  
Greer. Weinert.  
Hume.

#### SIMPLE RESOLUTION.

By Senator Hudspeth:

"Whereas, it appears from reliable sources that the Texas delegation in Congress, with the exception of the Congressman from San Antonio district, is in hearty accord with the movement to vote the Panama Canal Exposition to New Orleans; and